

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

EDWARD MYERS

PETITIONER

v.

Civil Action No. 3:11-cv-464 HTW-LRA

WARDEN UNKNOWN DAVID

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the court pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson and the written objection to the proposed findings and recommendation. Based upon the evidence therein contained, this court, having given full consideration to the aforesaid objection, finds the same not well taken. Therefore, the Report and Recommendation is hereby adopted as the order of this court.¹

SO ORDERED, this the 29th day of June, 2012.

**s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE**

¹This court adopts the Report and Recommendation with the exception of the factual finding that the petitioner filed his petition with this court “[b]etween the time of the appellate court’s dismissal [on August 4, 2011] and the Madison County court’s decision [on August 12, 2011] granting *in forma pauperis* [status].” Report and Recommendation, p.2. Prior to either of those events, on July 28, 2011, Myers filed his petition with this court.